

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTSFILED
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BABCOCK BORSIG POWER GmbH,)
Plaintiff,) CIVIL ACTION
v.) NO. 04-10825 (RWZ)
BABCOCK POWER, INC.,)
Defendant.)

U.S. DISTRICT COURT
DISTRICT OF MASS.

**DEFENDANT BABCOCK POWER, INC.'S
UNOPPOSED MOTION FOR LEAVE TO FILE REPLY BRIEF**

Defendant Babcock Power, Inc. ("Babcock Power") hereby moves for leave to file a reply to Plaintiff Babcock Borsig Power GmbH's ("BBP") opposition to Babcock Power's motion to dismiss the complaint, which is attached hereto. As grounds therefore, Babcock Power states as follows:

1. BBP's opposition raises new legal arguments to which Babcock Power seeks to respond.
2. Babcock Power suggests that a short reply will aid the Court in consideration of its motion to dismiss the complaint.
3. Counsel for BBP do not oppose Babcock Power's request to file a reply memorandum.

WHEREFORE, Babcock Power respectfully requests that this Court grant its Motion for Leave to File Reply Brief.

Respectfully submitted,

BABCOCK POWER, INC.
By its attorneys,


Steven J. Comen (BBO# 093320)
James O. Fleckner (BBO# 641494)
GOODWIN PROCTER LLP
Exchange Place
Boston, Massachusetts 02109
617-570-1000

DATED: June 18, 2004

LOCAL RULE 7.1 CERTIFICATION

I hereby certify that, on June 18, 2004, I conferred with plaintiff's counsel, who consented to the relief requested herein.


James O. Fleckner

CERTIFICATE OF SERVICE

I hereby certify that a true copy of this document was served upon the attorney of record for plaintiff, Kenneth M. Bello, c/o Bello Black LLP, 535 Boylston Street, Boston MA 02116, by hand, on June 18, 2004.


James O. Fleckner

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